

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of March 17, 2009 be extended one month, from June 17, 2009 to July 17, 2009.

Authorization to charge Deposit Account No. 50-4364 is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 09-0457.

In the Office Action, the Examiner indicated that claims 1 through 24 are pending in the application and the Examiner rejected all of the claims.

Rejection under 35 U.S.C. §101

On page 5 of the Office Action, the Examiner has rejected claims 1-8 under 35 U.S.C. §101. Claims 1, 5, 6, and 8 have been amended to recite the use of a special purpose computer (a processor) to implement the present invention, i.e., the processor performs the specific steps of the invention. Applicant submits that this amendment overcomes the §101 rejection and accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-8 under 35 U.S.C. §101.

Rejections under 35 U.S.C. §§102 and 103

On page 6 of the Office Action, the Examiner rejected claims 1-4, 7, 9-12, 15, 17-20, and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0010472 to Quatse et al.

On page 8 of the Office Action, the Examiner has rejected claims 5, 6, 8, 13, 14, 16, 21, 22, and 24 under 35 U.S.C. §103(a) as being unpatentable over Quatse et al.

Quatse Is Not Prior Art to the Present Invention

As set forth in the Declaration of David Selby, applicant conceived and reduced to practice the claimed invention prior to July 8, 2003, which is the application filing date of Quatse. Per the Examiner's comments and suggestions, Mr. Selby's Declaration now includes specific evidence showing the programming steps performed by a program implementing the invention, created prior to July 8, 2003. Since Quatse is not prior art with respect to the present invention, applicant respectfully requests the Examiner to reconsider and withdraw the rejection of the claims under 35 U.S.C. §§102 and 103.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

PATENT
Application No. 10/806,204

Docket No. RSW920030089US1
Page 9

The Commissioner is hereby authorized to charge the extension fee to Deposit Account No. 50-4364 and any additional fees associated with this communication to applicant's Deposit Account No. 09-0457.

Respectfully submitted

July 17, 2009
Date

/Mark D. Simpson/
Mark D. Simpson, Esquire
Registration No. 32,942

SAUL EWING LLP
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2189
Telephone: 215 972 7880
Facsimile: 215 972 4169
Email: MSimpson@saul.com